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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,201	04/13/2000	Michael Voticky	044839.0048	6646

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/548,201

Applicant(s)

VOTICKY ET AL. 

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 10, 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-68,70 and 72-74 is/are pending in the application.
- 4a) Of the above claim(s) 5-52,54-63,72 and 73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,53,64-68,70,74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 10, 2002. **Claims 1,3-68,70,72-74** are now pending in the present application of which claims 5-52,54-63,72-73, are non-elected.

#### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1,3,66,68,70,74 are rejected under 35 U.S.C. 102(e) as being anticipated by Rochkind US Patent 6,301,608.

#### *As per claim 1:*

Rochkind teaches a method for an electronic communication message system to prioritize an information message (col. 2, lines 29-39) comprising:

determining a personalized identifier (address extension) corresponding to the message, (col. 2, lines 41-49);

locating the personalized identifier in a database, (col. 2, lines 50-52);

assigning from the database a priority code (priority sequence-table 2) corresponding the personalized identifier, (table 2; col. 6, lines 39-46); and

prioritizing the message according to the priority code, (col. 2, lines 58-63); and

depositing the message into at least one of a plurality of virtual mailboxes (50; col. 4, lines 17-23) wherein the message is sorted within such virtual mailbox(es) based on the priority code, (col. 5, lines 28-38; col. 6, lines 12-32), and wherein no less than two such virtual mailboxes from among the plurality of virtual mailboxes are capable of such sorting, (each

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message storage device 50 and sub-mail boxes can sort and prioritize the received messages; col. 3, lines 31-37).

***As per claim 3:***

Rochkind teaches wherein the database, the personalized identifiers, the priority codes, and the correlation between the personalized identifiers and the priority codes are initially defined by a user and subsequently changeable by said user, (col. 6, lines 33-67).

***As per claim 66:***

Rochkind teaches wherein the elements of the method are performed by an automated system selected from the group consisting of: a computer (col. 4, lines 15-17), a voice-type message storage device (MS 50; col. 4, lines 20-23), a facsimile machine, (col. 2, lines 37-39), a combination of any two of the foregoing, (col. 4, lines 15-23), and a combination of the first three of the foregoing, (col. 2, lines 37-39; col. 4, lines 15-23).

***As per claim 68:***

Rochkind teaches of a system for prioritizing a received information message, (col. 2, lines 29-39), the system including a database (50) maintaining known personalized identifiers and priority codes corresponding to known personalized identifiers (col. 2, line 64-col. 3, line 16), said system comprising:

a computing device for determining a first personalized identifier associated with a received information message, (col. 5, lines 56-64);

a location device for matching the first personalized identifier with a priority code in said database, (col. 6, lines 12-21);

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a priority assignment device for assigning a priority code to the received information message corresponding to the first personalized identifier, (col. 6, lines 33-46; table 2); and

a prioritizer to prioritize the received information message according to the priority code into at least one of a plurality of virtual mailboxes (col. 5, lines 28-38) wherein the received information message is sorted within such virtual mailbox based on the priority code, (col. 6, lines 12-32) and wherein no less than two such virtual mailboxes from among the plurality of virtual mailboxes are capable of such sorting, (each message storage device 50 and sub-mail boxes of Rochkind can sort messages; col. 3, lines 31-37; col. 4, lines 7-28).

***As per claim 70:***

Rochkind teaches of a computer-readable medium of instructions and data comprising:

a received message, (col. 2, lines 29-39);

a personalized identifier corresponding to the received message, (col. 5, lines 55-66);

computer instructions for receiving the message and the personalized identifier, (col. 5, lines 55-66);

a database (col. 4, lines 20-23) containing known personalized identifiers, each having corresponding priority codes, (col. 2, line 64-col. 3, line 16);

computer instructions for locating the personalized identifier to the database to determine whether the personalized identifier is a known personalized identifier with an assigned priority code indicated in the database, (col. 6, lines 12-21);

a priority code corresponding to the message, (col. 6, lines 33-46);

computer instructions for assigning the priority code to the message, (col. 6, lines 33-46);

and

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computer instructions for prioritizing the received information message according to the priority code, (col. 5, lines 28-38) into at least one of a plurality of virtual mailboxes (50) wherein the received information message is sorted within such virtual mailbox based on the priority code, (col. 6, lines 12-32), and wherein no less than two such virtual mailboxes from among the plurality of virtual mailboxes are capable of such sorting, (each message storage 50 is capable of prioritizing and sorting messages; col. 3, lines 31-37; col. 4, lines 7-28).

***As per claim 74:***

Rochkind teaches of a system which prioritizes and sorts email messages, voice mail messages and multimedia messages, (page 54, lines 54-56). The system prioritizes incoming voice mail messages based on personalized rules set by the user such as using an address extension. The sender of a message will indicate an extension which will be used by the receiver's system to determine what priority the message should receive, (page 5, table 2). The message is then stored in the mailbox according to the priority code.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rochkind in view of Lim et al. US Patent 5,883,942, (hereinafter Lim).

***As per claims 4,64 and 65:***

While Rochkind, as applied above, teach of wherein the information message is a voice mail message, they do not specifically teach of providing a personalized greeting or response.

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Lim teaches of a system which sends personalized responses to the caller depending on their caller identification, (lines 1-5 of the abstract, fig. 2A). Lim further teaches of wherein the elements of the method are performed by an automated system consisting of a voice-type message storage device, (col. 4, lines 28-29, the voice recorder records the message and the data storage stores the received message).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rochkind by having the system provide a personalized response to the sender based on the sender identification as taught by Lim so that the sender, if they are important to the message receiver, can receive a personalized message that indicates for example, that they can leave a message which will be given high priority; or if the identification can determine that the sender is not important then the system can play a different message and/or reject the sender's message.

6. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochkind in view of Katz US Patent 5,646,839.

***As per claim 67:***

Rochkind, as applied above, does not specifically teach of the identifier being a biometric signature technology that is associated with the sender and the message.

Katz teaches of wherein the personalized identifier is a biometric signature technology that is associated with the sender and the message, (col. 2, lines 60-67). The person is recognized before they can leave a voice message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rochkind by using the biometric signature

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technology to identify the sender so that the user can be identified before the message arrives at the destination.

7. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochkind in view of Katz.

***As per claim 53:***

While Rochkind teaches of the information message being a voicemail message as applied to claim 74, Rochkind failed to teach of the personalized identifier is derived from the voiceprint of an audio element associated with the voicemail message.

Katz teaches that using voiceprints to identify a person is well known in the art, (col. 2, lines 60-67, col. 7, lines 44-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rochkind by using the biometric signature technology to identify the sender as taught by Katz so that the user can be identified before the message arrives at the destination.

***Response to Arguments***

8. Applicant's arguments filed October 10, 2002 have been fully considered but they are not persuasive.

Applicants contend that Rochkind does not disclose that no less than two virtual mailboxes from among a plurality of virtual mailboxes are capable of sorting. The Examiner respectfully disagrees.

As shown in figure 1 of the Rochkind Patent, there are a plurality of message storage devices 50 (virtual mailboxes). Each single mailbox can be associated with a single subscriber or



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multiple subscribers, (col. 5, lines 28-38). Rochkind further teaches that each subscriber can prioritize and sort their incoming messages according to subscriber's preferences. Each subscriber assigns address extensions and related message tag information by the address extension so that the system can sort and prioritized the message into their respective mailbox. Therefore, in the embodiment of multiple subscribers each having their own virtual mailbox, the claimed invention reads on the Rochkind patent since no less than two virtual mailboxes of the plurality of mailboxes is capable of sorting, (col. 3, lines 31-37).

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262.  
The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group  
is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35  
U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO  
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signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
December 3, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written in a cursive style.